

The City Council met in regular session at the hour of 8:37 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Students from Fresno and Central High Schools were recognized and welcomed, and birthday wishes were extended to Councilmember Sterling.

Pastor Kevin Smith, St. Luke's Community Church, gave the invocation, and Fresno High School Student Body President Melissa Quinn led the Pledge of Allegiance to the Flag.

PROCLAMATION OF PARENTS AWARE DAY - MAYOR AND CITY COUNCIL

COMMENDATION TO THE FIRE DEPARTMENT FROM SEVERAL STATE AND FEDERAL ELECTED OFFICIALS BY KATHY OMACHI - COUNCILMEMBER STERLING

CERTIFICATES OF COMMENDATION TO DISTRICT 1 OUTSTANDING GRADUATES - PRESIDENT BOYAJIAN

(ADD-ON) CERTIFICATES OF COMMENDATION TO CENTRAL HIGH SCHOOL VALEDICTORIANS - PRESIDENT BOYAJIAN

The above proclamations, commendations and certificates were read and presented.

PROCLAMATION OF FALCON CLEANERS DAY - COUNCILMEMBER DAGES

Laid over one week.

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APPROVE MINUTES OF MAY 20 AND 29, 2003

On motion of Acting President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, (1) the minutes of May 20, 2003, approved, *as amended*, on the bottom of Page 141-200, commendations to city employees, correcting the name to Councilmember Dages instead of Councilmember Duncan; and (2) the minutes of May 29, 2003, approved, *as amended*, on Page 141-216, 4th paragraph, 8th and 9th lines, correcting it to read: "...contingency dollars held over including where they came from and there they *"went"* instead of *"west"*."

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COUNCILMEMBER REPORTS AND COMMENTS:

REQUEST FOR TIME LINE ON NAMING THE OLD CONVENTION CENTER EXHIBIT HALL THE "ERNEST E. VALDEZ HALL" - COUNCILMEMBER DAGES

Request made with City Manager Hobbs stating he would look into the issue.

Commendation made.

REGIONAL TRANSPORTATION AUTHORITY - ACTING PRESIDENT CASTILLO

Acting President Castillo spoke to meetings he has had with some members of the County Board of Supervisors, the Clovis City Council and the Clovis and Central Unified School Districts on possibly establishing a transportation authority that would benefit everyone, expanded further on the issue, and requested staff begin discussions with the entities. City Manager Hobbs responded and advised staff was starting the research, requested information from Acting President Castillo on his discussions/meetings, confirmed there was an interest in establishing such an authority, and requested Acting President Castillo formalize in a memo what he has been advised. Acting President Castillo further commented on the issue and upon question, Mr. Hobbs stated he could have to consult with staff on when the issue would be brought forward for discussion.

CLOVIS UNIFIED SCHOOL DISTRICT'S SERIOUS BUDGET ISSUES AND ELIMINATION OF SOME BUS SERVICE AT KASNER SCHOOL - COUNCILMEMBER DUNCAN

(2 - 0) Councilmember Duncan stated the school district uses natural gas buses and spoke to the effect on the air quality with SUVs now having to deliver children to school as well as related traffic and safety issues, and requested assistance from staff to look into any grants that might be available to help the parents pay for the bus service.

MRS. BALDWIN'S DAY CARE CENTER - PRESIDENT BOYAJIAN

President Boyajian thanked Council for their support in mitigating some inner-city fees to open the day care center and added two nearby major apartment complexes were rehabbed adding to the stabilization of the neighborhood.

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APPROVE AGENDA:

(3-A) DISCUSSION AND STATUS REGARDING A PROPOSAL TO ADDRESS THE FUTURE OF PUBLIC SAFETY

At the request of Councilmember Calhoun and with Council concurrence the issue was set for 1:30 p.m. near budget for the presence of the police and fire chiefs. Acting President Castillo stated he wanted direction given to the fire department to bring back a funding plan as was given to the police department.

(1-K) AUTHORIZE THE CITY MANAGER OR DESIGNEE TO CONDUCT ALL NEGOTIATIONS, EXECUTE AND SUBMIT ALL DOCUMENTS, APPLICATIONS, AGREEMENTS, AMENDMENTS AND PAYMENT REQUESTS WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE CALTRANS ENVIRONMENTAL JUSTICE GRANT FOR THE FRESNO AREA SKY TRAIN (FAST) MASS TRANSIT STUDY

City Clerk Klisch advised a resolution was associated with the issue and was inadvertently left off the agenda title. So noted.

(10:15 A.M.) CONTINUED HEARING ON REZONING APPLICATION NO. R-03-09 AND ENVIRONMENTAL FINDINGS, FILED BY LAWRENCE PARTNERS, PROPERTY LOCATED ON THE WEST SIDE OF N. CHESTNUT AVENUE (ALIGNMENT) BETWEEN E. COPPER AND E. INTERNATIONAL AVENUES (DISTRICT 6) - APPLICANT REQUEST TO CONTINUE TO JUNE 24, 2003, AT 10:45 A.M.

Continued as requested.

(2:45 P.M.) HEARING ON PLAN AMENDMENT NO. A-01-14, REZONING APPLICATION NO. R-01-17 AND ENVIRONMENTAL FINDINGS FILED BY KRAZAN AND ASSOCIATES ON BEHALF OF MARGARET JENSEN, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF N. BRYAN (RIVERSIDE DRIVE) AND W. SPRUCE AVENUES (JOSEPHINE AVENUE) (DISTRICT 2) - APPLICANT REQUEST TO CONTINUE TO JUNE 10, 2003, AT 10:10 A.M.

Continued as requested.

(3:00 P.M. #1) HEARING ON PLAN AMENDMENT NO. A-01-13, REZONING APPLICATION NO. R-01-16 AND ENVIRONMENTAL FINDINGS FILED BY MARGARET JENSEN, PROPERTY LOCATED AT THE SOUTH SIDE OF W. HERNDON AVENUE AT THE

N. HAYES AVENUE ALIGNMENT (DISTRICT 2) - **APPLICANT REQUEST TO CONTINUE TO JUNE 10, 2003, AT 10:00 A.M.)**

Continued as requested.

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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CONSIDER CONSENT CALENDAR:

Gloria Torrez spoke in opposition to Item **1-K**, requested the mayor to veto it, stated the study would come back with what Council wanted it to say, stated FAX needed to be involved as a lot of money comes through and does not help FAX and does not go towards the intended purpose and explained, and spoke to the FAX box, need for FAX dollars to stay with FAX, increased frequencies on key lines, and removal of the fare increase stating people could not afford it.

Barbara Hunt, 2475 S. Walnut, spoke to: Item **1-H** relative to E. Byrd Street, **1-K**, questioned if the Sky Train would take over FAX; **1-M**, opposed citing the city's fiscal condition; and **1-O**, stating the City needed to inform the public of the materials involved in the fire.

Deryl Bear, 6568 N. Ricewood, spoke in support of Item **1-K** stating the study would provide valuable information, and added money would not be taken from FAX.

ADOPT CONSENT CALENDAR:

(1-A) RESOLUTION NO. 2003-158 - APPROVING FINAL MAP OF TRACT NO. 5121 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PHASE III OF VESTING TENTATIVE TRACT MAP NO. 4384, A SOUTH SIDE OF W. BARSTOW BETWEEN N. HAYES AND N. BRYAN AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY DRAINAGE FACILITIES
2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR FRONT YARD TREES

(1-B) APPROVE THE PURCHASE OF A STREET EASEMENT FOR THE STREET WIDENING PROJECT AT SHAW AND WEST AVENUES FOR THE APPRAISED VALUE OF \$2,400; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR ASSISTANT DIRECTOR TO EXECUTE ALL APPROPRIATE DOCUMENTS TO COMPLETE THE TRANSACTION

(1-C) AUTHORIZE STAFF TO NEGOTIATE AND ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH VICTOR R. FABIONAR, ARCHITECT, FOR A NOT TO EXCEED AMOUNT OF \$288,000, SUBJECT TO APPROVAL AS TO FORM BY THE CITY ATTORNEY, FOR DESIGN AND CONSTRUCTION OF A YOUTH DEVELOPMENT CENTER AT DICKEY PLAYGROUND TO PROVIDE HEALTH, EDUCATIONAL, SOCIAL, ECONOMIC AND RECREATIONAL SERVICES TO YOUTH/YOUNG ADULTS IN THE NEIGHBORHOOD; AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-F) AWARD A CONTRACT TO NATIONAL PLANT SERVICES, INC., OF LONG BEACH, CA, IN THE AMOUNT OF \$143,346 FOR TRUNK-LINE CLEANING, PHASE III

(1-G) AWARD A CONTRACT TO PETE'S CONNECTION, INC., DBA J-COM, OF UPLAND, CA, IN THE AMOUNT OF \$132,198.07 FOR THE DATA WIRING PROJECT AT CITY HALL

(1-H) AWARD A CONTRACT TO INSITUFORM TECHNOLOGIES, INC., OF CHESTERFIELD, MISSOURI, THE AMOUNT OF

\$2,454,888 TO REHABILITATE THE WASTEWATER COLLECTION SYSTEM BY METHOD OF CURED-IN-PLACE PIPE IN E. CHESTNUT AVENUE FROM E. TULARE TO E. BYRD AVENUES

(1-I) AWARD A CONTRACT TO GEORGE DAKOVICH & SON, INC., OF FRESNO, IN THE AMOUNT OF \$65,316 FOR CONSTRUCTION OF TWO 8" WATER MAINS AT W. BULLARD AVENUE, WEST OF N. FORKNER AND AT N. VAN NESS BOULEVARD, SOUTH OF W. BULLARD AVENUE

(1-J) AWARD A CONTRACT TO BILL NELSON GENERAL ENGINEERING CONSTRUCTION, INC., OF FRESNO, IN THE AMOUNT OF \$138,090 FOR INSTALLATION OF AN 8" WATER MAIN IN "A" AND "B" ALLEY FROM TULARE TO MONO STREETS

(1-M) APPROVE AN INTERCONNECTION AGREEMENT WITH PACIFIC GAS AND ELECTRIC (PG&E) FOR CONNECTING THE POWER GENERATION FACILITY (PGF) AT THE REGIONAL WASTEWATER RECLAMATION FACILITY (RWRF) TO THE ELECTRICAL UTILITY, AND AUTHORIZE THE DIRECTOR PUBLIC UTILITIES OR DESIGNEE TO EXECUTE THE SAME
1. APPROVE A SPECIAL FACILITIES AGREEMENT WITH PG&E IN THE AMOUNT OF \$539,750, PLUS A \$1,317.50 PER MONTH OWNERSHIP CHARGE, FOR THE INSTALLATION OF EQUIPMENT REQUIRED TO INTERCONNECT THE PGF AT THE RWRF TO THE ELECTRICAL UTILITY, AND AUTHORIZE THE PUBLIC UTILITIES DIRECTOR OF DESIGNEE TO EXECUTE THE SAME

(1-N) APPROVE APPOINTMENT OF ETHEL L. KING TO THE HUMAN RELATIONS COMMISSION - COUNCILMEMBER STERLING

(1-O) **RESOLUTION NO. 2003-159** - CONTINUING A LOCAL EMERGENCY RELATING TO THE FIRE AT ARCHIE CRIPPEN EXCAVATION IN THE VICINITY OF MARKS AND NEILSEN AVENUES

(1-Q) * **BILL NO. B-43 - (Introduction)** AMENDING THE FRESNO MUNICIPAL CODE RELATING TO PROTECTED AND UNPROTECTED STRIKES AND WORK STOPPAGES

(1-R) **RESOLUTION NO. 2003-160** - REQUESTING THE U.S. CONGRESS TO INCLUDE HIGHWAY 99 IN THE INTERSTATE HIGHWAY SYSTEM

On motion of Acting President Castillo, seconded by Councilmember Sterling duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajjian
Noes : None
Absent : None

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CONTESTED CONSENT CALENDAR:

(1-D) AWARD CONTRACTS FOR POLICE FIREARMS
1. AWARD CONTRACT TO L.C. ACTION POLICE SUPPLY OF SAN JOSE, CA, IN THE AMOUNT OF \$111,612.76 FOR SECTION "A", BERETTA HANDGUNS
2. AWARD A CONTRACT TO ALLSTATE POLICE EQUIPMENT OF CLAREMONT, CA, IN THE AMOUNT OF \$91,779.03 FOR SECTION "B", COLT RIFLES

Chief Dyer responded briefly to questions of Councilmember Dages relative to why existing guns are destroyed and new one purchased and why confiscated guns cannot be retained.

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, **RESOLVED**, the two above entitled contracts awarded as outlined, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajjian
Noes : None
Absent : None

(1-E) AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, TO FIRE

TRUCK HEADQUARTERS OF OAKLAND, CA, IN THE AMOUNT OF \$1,187,715.62 FOR THREE NEW TRIPLE COMBINATION FIRE ENGINES (PUMPERS)

Interim Fire Chief Aranaz, City Attorney Montoy, Manager Hobbs and Purchasing Manager Taggart clarified issues and /or responded to questions of Councilmember Dages and Acting President Castillo relative to whether action should be taken after approval of the FY 04 budget, what happens to old fire trucks, what a Third Party Lease was, financing and how monies the city did not have were allocated in FY 03's budget, life expectancy of the fire trucks, lease option, and if the cost of the trucks included interest.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled requirements contract awarded as outlined, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

(1-K) RESOLUTION NO. 2003-161 - AUTHORIZING THE CITY MANAGER OR DESIGNEE TO CONDUCT ALL NEGOTIATIONS, EXECUTE AND SUBMIT ALL DOCUMENTS, APPLICATIONS, AGREEMENTS, AMENDMENTS AND PAYMENT REQUESTS WHICH MAY BE NECESSARY FOR THE COMPLETION OF THE CALTRANS ENVIRONMENTAL JUSTICE GRANT FOR THE FRESNO AREA SKY TRAIN (FAST) MASS TRANSIT STUDY

Councilmember Calhoun stated the sky train was a very exciting concept and he was glad to see the issue back before Council, and requested staff explain the issue and what the study would entail, with Transit Manager Rudd responding.

Deryl Bear, 6568 N. Ricewood, FAST proponent, spoke further to the issue and expanded on the system being proposed.

A motion was made to approve staff's recommendation. Councilmember Duncan spoke in opposition stating the cost was staggering and would "suck up" all the available resources for practical solutions to the air quality problem, stated he would rather see staff studying car pooling programs and improved bus service, and acknowledged this was a great idea but he felt it was not practical.

Mr. Bear responded to questions and/or comments of Acting President Castillo and President Boyajian relative to the three previous studies conducted and systems, if any recommendations were implemented from the past studies, the density issue, the cost for urban sprawl overhead and what area it encompassed, a study being needed due to the numerous questions this issue raises, deadline for Measure and desire to see study results sooner, what will happen to the \$26,000 grant if Council does not approve the study, if this study would study the feasibility of Cal Poly's conceptual proposal, and the preliminary study conducted showing two-thirds of the population would use the sky train and 73% would vote in support of it.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2003-161 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Perea, Sterling, Boyajian
Noes	:	Duncan
Absent	:	None

(1-L) * RESOLUTION NO. 2003-162 - 87TH AMENDMENT TO AAR 2002-216 APPROPRIATING \$50,000 IN ADDITIONAL GRANT FUNDING FROM SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) FOR THE POLICE DEPARTMENT TO MATCH FY 02 ROLLOVER AND FY 03 REVENUE

Chief Dyer responded to questions of Councilmember Dages relative to transferring the grant funds, if the budget would be impacted, and if the State was aware the funds would be transferred.

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2003-162 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

(1-P) CITY COUNCIL NOTIFICATION OF STAFF APPROVAL OF REVISIONS TO THE VESTING TENTATIVE MAP OF TRACT NO. 4188, APPROVED BY COUNCIL ON AUGUST 20, 1991, AND AMENDED ON JUNE 17, 1992

Councilmember Dages stated he had some concerns and questioned if the developer was contributing to the Jensen/Minnewawa traffic signal, time line for the signal and if there were enough funds for the installation, the map not showing E. Byrd going to S. Clovis Avenue as stated in the legal description, concern with Byrd Avenue connecting onto four lane Clovis Avenue with 40 MPH traffic, if any turn lanes were being proposed **(3 -0)**, and concern with allowing the development and putting people of the subdivision in a dangerous situation with a four lane road without a signal, with Planner Lewis responding throughout and Planning Manager Beach advising staff would report back on the UGM status of the traffic signals. Councilmember Dages suggested the matter be delayed two weeks with Mr. Beach and City Attorney Montoy clarifying this item was a notification item only and not an action item, and City Manager Hobbs stated staff took note of the concerns and would respond.

Acting President Castillo noted a concern was raised in the past by a citizen that a subdivision was being built without sidewalks, with Mr. Beach, Mr. Lewis and Planning and Development Director Yovino responding all subdivisions were now required to have sidewalks on both sides of the street, some subdivisions were approved before the sidewalk requirement, and advised the subdivision referred to was approved when the requirement was for sidewalks on one side of the street and the person complaining was so informed.

President Boyajian questioned the relevancy of this discussion since the subdivision had already been approved by Council, with Ms. Montoy clarifying Councilmember Dages raised some concerns, staff would be addressing them, and at issue this date was simply notification to Council of a minor revision made and no action was necessary.

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(9:30 A.M.) RESOLUTION NO. 2003-163 - URGING ACCEPTANCE OF THE *MATRICULA CONSULAR* IDENTIFICATION CARD AND SUPPORTING STATE ASSEMBLY BILL 522 - ACTING PRESIDENT CASTILLO

Chief Dyer and Capt. Nevarez reviewed the issue, spoke in support, stated from a law enforcement standpoint there would be tremendous benefits and explained; acknowledged there could be drawbacks with false forms of identification but clarified that also happened with any form of ID and stated the benefits far outweighed the negatives; and stated comments that police officers would be at a disadvantage were not true, the card would be given the same weight as a California ID card or CDL, and requested Council adopt the resolution and encourage other departments, including the police, to accept this as a valid form of identification.

Speaking in support of the issue were: Jaime Paz y Puente, Consul of Mexico, who also spoke to what measures were in place to deal with possible false cards; Barbara Hunt, 2575 S. Walnut; and Kathy Omachi, 759 “F” Street, Reedley, representing Chinatown and Arte Americas Cultural Center.

Acting President Castillo made a motion to adopt the resolution and pointed out the cards were accepted by numerous sheriff and police departments, three State agencies including the Department of Justice who conducts criminal background checks for employment, and some banks, and stressed this was also a humanitarian issue and explained.

On motion of Acting President Castillo, seconded by Councilmember Dages, duly carried, **RESOLVED**, the above entitled Resolution No. 2003-163 hereby adopted, by the following vote:

Ayes	:	Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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(10:00 A.M.) DISCUSSION AND DIRECTION REGARDING OPERATIONAL HOURS OF PARKING METERS IN THE DOWNTOWN AREA - COUNCILMEMBER DAGES

Councilmember Dages stated this was a controversial issue with the community and also downtown; corrected some inaccuracies and false statements by staff and clarified he never said he wanted to eliminate Chinatown parking meters or change the hours of operation for parking garages; stated since staff’s report and figures included removal of Chinatown parking meters and changing the hours of parking garages the report could not be used as it was not accurate; stated he felt the city had a bad parking policy in place and elaborated at length

citing specific circumstances, instances and problems; and concluded stating the greatest asset of the city of Fresno were the people and they needed to be treated with respect and the City needed to stop penalizing them for coming to the downtown area, and advised he would be making a motion later.

Public Works Director Ruiz apologized for the mis-communication and spoke to background, how the City got to the current parking program, and to some of the impacts of changing the current program, displaying charts and maps on the overhead to illustrate. Mr. Ruiz, Transportation Manager Madewell, City Manager Hobbs and an unidentified staff member clarified issues and/or responded to questions/comments of President Boyajian, Acting President Castillo and Councilmember Sterling at length relative to the security program and how it would be reduced, when the program was initiated, the parking program being changed originally because there was a need for additional revenue and where needed funds for the program would come from if changes are made again, the parking deficit period and what maintenance was being done at that time, if garage and lot maintenance would be affected by any changes, what the 5-Year Capital Program was, what type of leveraging the city would be able to do without meter revenues, if investment would be lost if the 5-Year plan was curtailed, **(4 - 0)** concern for some restaurants and merchants and if staff has talked with people/businesses who “don’t quite fit” into the square of rules and regulations and need for staff to work on those types of issues, parking lot maintenance and costs, using jail inmates and if staff has signed an MOU with Fresno County to utilize inmates, need to “think smart”, downtown tenants’/investors’ parking needs, number of parking permits state and federal employees have applied for and if that benefits the parking program, request for information on cost for repair/maintenance of lots and how the city can get other entities to help, removal of Chinatown meters and if Chinatown Revitalization’s willingness to pay for security was taken into consideration, and lack of population/people parking in Chinatown and need to consider giving another option a chance.

Speaking to the need to change the parking policy/expressing specific concerns/making recommendations and/or speaking to the issue were: Benjerman Raya, 2139 Kern; Elena Ochoa, 1039 Fulton Mall; Peter Ruggerello, President, Downtown Association, 8778 N. Colfax; Sharon Alexander, Upstairs Downtown Restaurant owner, 1054 N. College; William Patnaude, 1050 “S” Street; Kathy Omachi, 759 “F” Street, Reedley; Barbara Hunt, 2475 S. Walnut; Kaye Cummings, P.O. Box 2632, Foundations, on behalf of the performing arts; Stephanie Espinosa, Executive Director, Downtown Association, 950 Fulton Mall #102; Jonathan Richter, 2100 Tulare, Suite 210; Kendall Simsarian, 1060 Fulton Mall, Suite 811; and Stebbins Dean, Chamber of Commerce, 2331 Fresno Street.

Lengthy discussion ensued. President Boyajian clarified the parking program was supposed to be given time to see how it worked and then come back to Council for input from everyone, expressed concern stating before there was even a chance to see how it worked it was back and Council was being “blasted” again, and stated he was alarmed because as so much time was spent on the issue and everyone was involved **(5 - 0)**. City Manager Hobbs stated in the interest of protecting downtown development he wanted to insure all the work on the program was not undone, stated staff was not afraid of any changes and would welcome them if they improved the program, and stated the impact of any changes needed to be fully understood and suggested a council workshop be held. Councilmember Duncan stated the \$5.00 parking garage/parking lot fee went to pay for the stadium and clarified the rates were not raised to pay for it; stated the current parking program should not be abandoned and spoke to Fulton Mall sales tax generation over the past couple of years, using a chart to illustrate, and displayed photographs of three key areas around the stadium full of parked vehicles and photos showing an empty Fulton Mall at 11:30 a.m. on a Sunday morning because people were going to a 1:00 p.m. baseball game; and stated a constant review of the parking program was a good idea but to change it as proposed would be devastating and premature. Upon question of Councilmember Duncan City Attorney Montoy clarified Councilmember Dages’ intent this date was to make a motion directing certain kinds of changes in the enforcement of parking meters and that staff would return with either an ordinance or resolution as necessary, and action this date directing staff to only return with documents would not be vetoable but a future resolution or ordinance would be subject to veto. Councilmember Duncan stated that was important pointing out if there were not five votes this date the action would not pass a veto.

Noting it was past 12:00 noon, Councilmember Calhoun stated the rules should be followed and Council should break for lunch, and made a motion to recess until 1:30 p.m. A second to the motion was not received whereupon Councilmember Calhoun and Ms. Montoy clarified one was not needed as the lunch break was in the rules of procedure.

A motion of Councilmember Calhoun to break for lunch failed, by the following vote:

Ayes	:	Calhoun
Noes	:	Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Absent	:	None

Councilmember Dages made a motion to direct staff to change the hours of downtown meter operation from 6:00 a.m. to 6:00 p.m. Monday through Friday with holidays and weekends free, and for his motion to take effect in 45 days providing staff does not come up with a viable alternative for Council approval (which motion was later clarified).

Councilmember Sterling stated the stadium was built in an impoverished area where people live and work and stressed the mall merchants located downtown because it gave them a more reasonable area to work and an opportunity to develop their businesses and have a quality of life like others; spoke to the hardship the parking fees place on the poor and disabled; stated the city needed to take care of all the people who have taken care of the city all this time; and stated she was supportive of the motion but the entire picture needed to be looked at. Councilmember Perea stated he was very supportive of the motion, seconded it, and stated the current plan was not working and the motion went to the heart of the issue. Mr. Madewell responded to questions/concerns/comments of Acting President Castillo relative to whether staff talked with property owners of paved and unpaved park lots, concern that one year has passed with illegal parking still occurring on unpaved lots and concern that staff has not spoken to some property owners and issued fines, possibility of facing a veto because no options were available and request that options be presented prior to the veto deadline (with Acting President Castillo stating some good recommendations were made by speakers), meter readers doing their job but doing it very rudely (citing his personal experience), concern with punitive parking for Chinatown and need to look at that issue differently, and parking and venue comparisons with San Francisco and Sacramento, with Mr. Madewell and Mr. Hobbs responding throughout.

Upon request of Ms. Montoy for clarification, Councilmember Dages confirmed his motion included all on-street parking meters including Chinatown and it applied to all zones, and relative to the 45-day period clarified his intent was to have staff return at the end of 45 days with applicable documents supporting the motion to allow staff time to come back with alternatives.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, staff directed to return in 45 days with appropriate documents to change the hours of downtown meter operation, including Chinatown, from 6:00 a.m. to 6:00 p.m. Monday through Friday with holidays and weekends free, and the 45-day time period intended to give staff time to report back with any viable alternative, by the following vote:

Ayes	:	Castillo, Dages, Perea, Sterling
Noes	:	Calhoun, Duncan, Boyajian
Absent	:	None

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LUNCH RECESS - 12:26 P.M. - 1:35 P.M.

(1:30 P.M.) CONTINUED HEARING ON THE FISCAL YEAR 2003-2004 CITY OF FRESNO BUDGET (CONSIDERED AGAIN LATER IN THE MEETING)

- 1.* RESOLUTION - ADOPTING THE FY2004 CITY OF FRESNO BUDGET, INCLUDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGET AND THE ANNUAL APPROPRIATION RESOLUTION (AAR)
2. * RESOLUTION - ADOPTING THE FY 2004 POSITION AUTHORIZATION RESOLUTION (PAR)
3. * RESOLUTION - ADOPTING THE 409TH AMENDMENT TO THE MASTER FEE SCHEDULE (MFS) RES. 80-420 (ANNUAL AMENDMENT)
4. * BILL FOR INTRODUCTION AND ADOPTION ADOPTING THE PROPERTY TAX OVERRIDE (PTO) ORDINANCE
5. SELECTION OF METHODOLOGY FOR DETERMINATION OF FY 2004 GANN APPROPRIATION LIMIT
6. * RESOLUTION - ESTABLISHING RULES FOR THE APPLICATION OF CITY EMPLOYEE COMPENSATION RATES AND SCHEDULES AND RELATED REQUIREMENTS, AND ESTABLISHING COMPENSATION RATES AND SCHEDULES (FY 04 SALARY RESOLUTION)

- a. FIRE DEPARTMENT
- b. TRANSPORTATION DEPARTMENT
- c. CITY CLERK
- d. GENERAL SERVICES DEPARTMENT
- e. CITY ATTORNEY
- f. GENERAL CITY PURPOSE

FIRE DEPARTMENT (Continued from 5/29/03)

Proceedings continued with Interim Chief Aranz, City Manager Hobbs and Budget Analyst Smith responding to questions and/or concerns of Councilmembers Perea and Dages relative to the \$1 million budgeted for Fire Station 15 staffing, number of new firefighters hired, number being proposed and total compliment, desire to see funds go to hiring additional firefighters, and concern with the \$155.00 inspection fee.

MOTION - Dages/Castillo - Give businesses the opportunity comply with the code before charging the \$155.00 fee.

Discussion ensued with Councilmember Dages, Acting President Castillo and Councilmember Sterling commenting and presenting questions and/or concerns relative to total debt payment/cost recovery/inability to collect 100% of the fee charged and if that was taken into consideration **(6 - 0)**, hope that all city departments go into businesses' front doors with a rule book instead of a citation book, staff clarifying fee compromises made and the issue being cost recovery, need to get away from the \$155 fee for "just walking in the front door" as violations will be found (especially with older businesses), inspections being part of a firefighters' regular duties conducted during regular shift hours and why a fee was being charged, the fee being tied to an ordinance and feeling of "putting the cart before the horse" as an ordinance would be brought back after the fee is approved, concern with the fee as firefighters were on duty anyway, and concern with effect of the fee on small struggling businesses, with Chief Aranaz, Controller Quinto, Mr. Hobbs, City Attorney Montoy and Deputy City Attorney Hale responding throughout. Councilmember Duncan spoke in support of the fee as it was modified to no charge if there is no violation, emphasized the fire department was not going to look for violations just to make money, and stated the charges were a needed incentive for safety.

Chief Aranaz, Mr. Hobbs and Ms. Montoy responded to questions of Acting President Castillo, President Boyajian and Councilmember Perea relative to apartment complex inspection fee, specific vacant positions, and the first responder fee and negotiations including how long the old \$25 fee has been in existence, the fees' impact on the city, if the city was "at the mercy" of the county, what a reasonable fee would be, and number of medical calls the department responds to yearly. Mr. Hobbs stated discussions have been difficult, the book was not closed on this issue, and the city was definitely going upstream.

Budget proceedings were to continued to later.

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(3-A) DISCUSSION AND STATUS REGARDING A PROPOSAL TO ADDRESS THE FUTURE OF PUBLIC SAFETY

Councilmember Calhoun reviewed his proposal which includes a Public Safety (20 Year) Master Plan, identifying public safety revenue streams, engaging the public, and appointing a "Community Protection Initiative Commission" (CPIC) and considering and/or adopting their work and/or recommendations, all as contained in his report as submitted.

City Manager Hobbs stated everyone (the Mayor, Council, the Weber Report, staff and the Fresno Bee) was in sync on the need to deal with the issue, noted he had talked with the police chief and staff was anticipating bringing a report to Council by the end of the year, and **(7 - 0)** recommended Council think more about appointing a CPIC and advised staff would be providing data and policy alternatives. There was no further discussion.

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(2:30 P.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 48 - FINAL TRACT MAP NO. 4701

- 1. RESOLUTION NO. 2003-164 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO. 2003-165 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2003-166 - DECLARING ELECTION RESULTS**
- 4. * BILL NO. B-44 - ORDINANCE NO. 2003-43 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS**

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Assistant Public Works Director Kirk gave a brief overview of the issue as contained in the staff report as submitted and recommended approval. A motion and second was made to approve staff's recommendation.

Mr. Kirn responded briefly to questions of Councilmember Calhoun relative to the reduction of the maximum special tax, why it was reduced, and if property owners were informed of the reduction.

Barbara Hunt, 2475 S. Walnut, spoke to the issue and questioned how the city became responsible for the CFDs.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

141-221

6/3/03

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-164, 2003-165 and 2003-166 hereby adopted, and the above entitled Bill No. B-44 adopted as Ordinance No. 2003-43, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(2:40 P.M.) HEARING ON COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 50 - FINAL TRACT MAP NO. 5123
1. RESOLUTION NO. 2003-167 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX
2. RESOLUTION NO. 2003-168 - CALLING A SPECIAL MAILED-BALLOT ELECTION
3. RESOLUTION NO. 2003-169 - DECLARING ELECTION RESULTS
4. * BILL NO. B-45 - ORDINANCE NO. 2003-44 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2003-2004 AND FUTURE TAX YEARS

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Assistant Public Works Director Kirk gave a brief overview of the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to the issue of the mailed ballot election.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-167, 2003-168 and 2003-169 hereby adopted, and the above entitled Bill No. B-45 adopted as Ordinance No. 2003-44, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : None

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(1:30 P.M.) CONTINUED HEARING ON THE FISCAL YEAR 2003-2004 CITY OF FRESNO BUDGET (CONTINUED FROM EARLIER)

TRANSPORTATION DEPARTMENT:

Transportation Director Lagos gave a Power Point presentation and reviewed the Airports' FY 2003 accomplishments and proposed FY 2004 budget and fees, and Transit Manager Rudd reviewed the FY 2003 accomplishments of Fresno Area Express (FAX) and the proposed budget FY 04 budget.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut, who spoke to the city's growth and needed transportation services; and Gloria Torrez, Fresno, CA, who spoke to the need for public participation, increased frequencies on key lines, reinstatement of frequencies on Line 38, clean air diesel buses, all FAX money staying with FAX, and need for shelters, lights, benches, trees, and trash cans for riders.

Budget proceedings were continued to later in the meeting.

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(11:00 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council met in joint session with the Redevelopment Agency at the hour of 3:14 p.m.

APPROVE AGENCY MINUTES OF MAY 20, 2003

On motion of Acting President Castillo, seconded by Councilmember Dates, duly carried, RESOLVED, the Agency minutes of May 20, 2003, approved as submitted.

(11:00 a.m. "A") DIRECT THE CITY ATTORNEY AND/OR CONTRACT COUNSEL TO WORK WITH THE AGENCY EXECUTIVE DIRECTOR TO PREPARE A JOINT POWERS AGREEMENT (JPA) AND ALL NECESSARY DOCUMENTS TO ESTABLISH A CONVENTION CENTER AUTHORITY WITH COMPREHENSIVE POWERS, DUTIES, AND RESPONSIBILITIES TO MANAGE, OPERATE AND MARKET CITY CONVENTION CENTER FACILITIES. STAFF TO RETURN WITH COMPLETED DOCUMENTS FOR COUNCIL AND AGENCY CONSIDERATION ON JUNE 17, 2003 - ACTING PRESIDENT CASTILLO

Acting President Castillo advised he scheduled the issue with the Redevelopment Agency as the Agency was responsible for downtown revitalization and because two government entities were needed to establish an authority; stated his intent this date was to move forward and bring back documents to discuss and implement the formation of joint powers authority and requested input from staff as the item moves forward; spoke to importance of establishing all necessary powers, authorities and which facilities would be incorporated into the authority; and stated he envisioned forming a public/private partnership managed by a CEO and overseen by a board of directors (the City Council) and possibly establishing an advisory board as well. Director Fitzpatrick stated he felt the lead on the issue should be the city attorney's office working with the city manager and stated he would provide any assistance/input as needed.

City Attorney Montoy advised a joint powers authority was a public entity created by two other public entities with a governing board and spoke to staff's past work in formulating a model agreement; **(8 - 0)** relative to a governing board requested Council consider that carefully as Council already sat as a governing board for the City and the Agency and recommended a different governing board be considered and explained stating it would be a key to how Council moves forward and how management would receive such an authority; and spoke to the time frame to report back and added this was more of a policy issue and the key would be who the governing would be. Acting President Castillo responded throughout, stated discussions and decisions would be made as the issue moves forward, and questioned if anything prevented Council from being the governing board with this authority, with Ms. Montoy stating it was legally permissible but cautioned Council about not encroaching on the city manager's authority as defined by the Charter.

Chair Duncan stated the idea of a Convention Center Authority was one that everyone seemed to be embracing, and noting there were a lot of options on which way to go suggested a Council committee be formed and recommended the Council President, the RDA Chair and the Acting Council President meet with city and agency staff, look at some different options and structures, and return on the 17th with a recommendation adding if the issue of privatization is also addressed that day a full discussion with options could occur.

City Manager Hobbs stated he was willing to work with the group, stated for the record JPAs seemed to be the rage right now but stressed discussions were needed on how a JPA would change the economics of the convention center adding staff has been very clear on what the budget issues are, and stated he perceived very serious legal issues and he believed what was being proposed ran counter to the spirit of the Charter, if not the law, and counter to what the voters have said about how they want this government administered. Chair Duncan stated Mr. Hobbs was drawing a conclusion at this point and clarified everything was on the table and he was suggesting all the different options be reviewed and everyone's questions and concerns be addressed. Acting President Castillo clarified the documents that come back on the 17th would be a consensus of the three council committee members so a vote would be taken on a JPA, privatization or the status quo and options would be available for discussion.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Councilmember Calhoun stated he was hearing deadlines and expressed concern stating there was no need to rush for the 17th and he was very uncomfortable with the feeling of having to rush through this process; expressed further concern with the RDA director or staff being involved in this process stressing this was not an RDA project and it raised a very unusual spectrum, and questioned why this issue was even being discussed under the RDA stressing this was a City issue, with Ms. Montoy and Acting President Castillo responding. Councilmember Calhoun stated he felt everything here had been rehearsed and worked out and authority was being pulled away from the City. Acting President Castillo stated it was unfortunate Councilmember Calhoun felt the issue was orchestrated and emphasized it was not, and clarified Council requested this information from staff eight months ago and added he stated during the mayor's budget presentation that this information was needed to make an informed decision.

Upon question of President Boyajian, Acting President Castillo spoke to the six month window period mentioned by the city attorney clarifying if the City moves forward with a JPA the convention center could be funded for six months (through December 31st) which would give Council the time to make the necessary decisions on a governing board, structure, etc.

Acting President Castillo and Mr. Fitzpatrick responded to questions/comments of President Boyajian and Councilmember Dages relative to whether the ultimate goal was to see what the best alternative was, concurrence there was no need to rush as this was an important issue with a lot of gray areas, and if Mr. Fitzpatrick had a lot of experience in Las Vegas with the convention center bureau, with Mr. Fitzpatrick responding and relative to the concern expressed about the RDA's involvement stated the role of the RDA would be a minor player, he had no desire to be the executive director of convention center as his plate was more than full, and reiterated he would be happy to work with staff and the committee to assist in any way. Questioning continued relative to the governing board and who it could be, if cost factors would also be looked at, if a consultant was needed, and if a public/private board was an option.

Mr. Hobbs noted it was stated this was about options but discussion continues on a JPA, and requested Council consider (1) if the board of the JPA is Council with RDA involvement this would become a subterfuge by the Council to infringe on the mayor's established governmental powers in the Charter, and (2) stated if the board is set up with other agencies/governments (like the County) there would then be the fragmentation of governments meaning there would be another government to negotiate with to get things done and stated he felt elected officials should be the ones in charge and have the power to get things done without having to negotiate with an authority, a JPA or anyone else. Upon question of Councilmember Sterling, Acting President Castillo clarified the Council committee would bring back options on the establishment of a JPA and staff would present the privatization proposal. Councilmembers Sterling and Perea spoke briefly to the issue and in support of having options and information.

Chair Duncan stated this was a very significant issue, the intent was to get dialog going to find a win-win, and everyone was after the same thing.

On motion of Acting President Castillo, seconded by Councilmember Perea, duly carried, RESOLVED, a Council committee consisting of the Council President, the Agency Executive Director and the Acting Council President established to work with the City Attorney and/or contract counsel and the Agency Executive Director to prepare a joint powers agreement and all necessary documents to establish a Convention Center Authority with comprehensive powers, duties, and responsibilities to manage, operate and market city convention center facilities, and staff and the committee to return with completed documents for Council and Agency consideration on June 17, 2003, by the following vote:

Ayes	:	Boyajian, Castillo, Dages, Perea, Sterling, Duncan
Noes	:	Calhoun
Absent	:	None

("B") AGENCY ACTIONS RELATING TO PROPERTY ACQUISITIONS FOR THE REGIONAL MEDICAL CENTER PROJECT

1. AUTHORIZE THE EXECUTIVE DIRECTOR OR REDEVELOPMENT ADMINISTRATOR TO NEGOTIATE AND ENTER INTO PURCHASE AGREEMENTS WITH CERTAIN PROPERTY OWNERS ON TERMS WITHIN THE DELEGATED AUTHORITY AND SUBJECT TO MINOR MODIFICATIONS TO THE AGREEMENTS AS THE EXECUTIVE DIRECTOR OR REDEVELOPMENT ADMINISTRATOR MAY APPROVE, SUBJECT TO APPROVAL AS TO FORM BY THE CITY ATTORNEY
2. AUTHORIZE THE EXECUTIVE DIRECTOR OR REDEVELOPMENT ADMINISTRATOR, AND THE OFFICE OF THE CITY ATTORNEY TO TAKE ACTIONS AND EXECUTE SUCH DOCUMENTS INCLUDING, WITHOUT LIMITATION, DEED ACCEPTANCES, SUPPLEMENTAL ESCROW INSTRUCTIONS, OR RENTAL AGREEMENTS PENDING ESCROW CLOSE, AND INSTRUMENTS THAT MAY BE NECESSARY TO FINALIZE OR CARRY OUT THE INTENTS AND PURPOSE OF THIS AGENCY ACTION, SUBJECT TO APPROVAL AS TO FORM BY THE OFFICE OF THE CITY ATTORNEY

City Attorney Montoy recused herself from the proceedings due to a potential conflict of interest advising her husband practices at Community Medical Center, with Chief Assistant City Attorney Sanchez present.

Redevelopment Administrator Murphey gave a brief overview of the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke to the County Tax Rate Book, redevelopment law, the city attorney recusing herself and potential conflict of interest, and the Charter and duties of city officials. Councilmembers Calhoun and Dages left the meeting at 4:03 p.m.

Mr. Sanchez noted for the record Ms. Montoy has publicly conflicted herself out on these matters as they have unfolded over the years.

On motion of Councilmember Sterling, seconded by Acting President Castillo, duly carried, RESOLVED, (1) the Executive Director or Redevelopment Administrator authorized to negotiate and enter into purchase agreements with certain property owners on terms within the delegated authority and subject to minor modifications to the agreements as the Executive Director or Redevelopment Administrator may approve, subject to approval as to form by the City Attorney, and (2) the Executive Director or Redevelopment Administrator, and the office of the City Attorney authorized to take actions and execute such documents including, without limitation, deed acceptances, supplemental escrow instructions, or rental agreements pending escrow close, and instruments that may be necessary to finalize or carry out the intents and purpose of this agency action, subject to approval as to form by the office of the City Attorney, by the following vote:

Ayes : Boyajian, Castillo, Perea, Sterling, Duncan
 Noes : None
 Absent : Calhoun, Dages

(“C”) AGENCY RESOLUTION NO. 1625 - ESTABLISHING PROCEDURE FOR EVALUATION OF THE REDEVELOPMENT AGENCY EXECUTIVE DIRECTOR

(9 - 0) Chair Duncan gave a brief overview of the issue.

On motion of Vice Chair Sterling, seconded by Member Castillo, duly carried, RESOLVED, the above entitled Agency Resolution No. 1625 hereby adopted, by the following vote:

Ayes : Boyajian, Castillo, Perea, Sterling, Duncan
 Noes : None
 Absent : Calhoun, Dages

(3:00 P.M. “A”) CONTINUED HEARING TO CONSIDER ACTIONS RELATING TO THE APPROVAL AND ADOPTION OF THE PROPOSED FREEWAY 99-GOLDEN STATE CORRIDOR BOULEVARD REDEVELOPMENT PLAN

- 1. JOINT RESOLUTION - CERTIFYING PROGRAM ENVIRONMENTAL IMPACT REPORT NO. 03-01 (WITH ATTACHMENTS OUTLINED AND INCLUDED IN THE STAFF REPORT)**
- 2. AGENCY RESOLUTION - APPROVING AND ADOPTING THE REPORT TO THE CITY COUNCIL AND AUTHORIZING SUBMISSION TO THE COUNCIL**
- 3. JOINT RESOLUTION - ADOPTING FINDINGS THAT THE USE OF THE 20 PERCENT LOW AND MODERATE INCOME HOUSING SET-ASIDE FUNDS OUTSIDE THE FREEWAY 99-GOLDEN STATE CORRIDOR BOULEVARD REDEVELOPMENT PROJECT AREA WILL BE OF BENEFIT TO THE PROJECT AREA**
- 4. * BILL - ADOPTING THE REDEVELOPMENT PLAN FOR THE FREEWAY 99-GOLDEN STATE CORRIDOR BOULEVARD REDEVELOPMENT PROJECT (COUNCIL ACTION)**

Chair Duncan announced the time had arrived to consider the issue and opened the hearing.

Agency Director Fitzpatrick advised staff took to the planning commission Option “C” which took out of the redevelopment plan property north of Shaw Avenue in and around the Fruehauf factory and south of Klein’s Truck Stop as directed; entered into the record information and a certified resolution of the planning commission; advised a full range of options was now before the joint bodies for consideration as follows: the original study area (Option “A”), staff recommendation (Option “B”) and Option “C” as noted above; and advised public testimony would be held this date and he would be recommending the hearing be continued to June 10th at 9:30 a.m. to allow time to review the record and all options.

Brian Melikian, Senior Deputy County Counsel, commented on the issue, spoke to additional objections on the three alternatives, and submitted a letter dated June 3, 2003, into the record on Fresno County’s supplemental objections to the plan, reading portions of the letter for the record. Councilmember Dages returned to the meeting at 4:18 p.m. and Councilmember Calhoun returned at 4:20 p.m. Continued speakers were: Barbara Hunt, 2475 S. Walnut; and Grover Grove, Carrington Point, with Chair Duncan and President Boyajian responding to Mr. Groves’ comments on housing construction. Acting President Castillo briefly left the meeting at 4:26 p.m.

Upon call, no one else wished to be heard and public Chair Duncan closed the hearing.

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the hearing, deliberations and final action on the Freeway 99-Golden State Corridor Redevelopment Plan continued to June 10, 2003, at 9:30 a.m., by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Duncan
 Noes : None
 Absent : *Castillo

*Acting President Castillo returned to the meeting at 4:30 p.m. immediately after the vote and stated he would have voted "Aye".

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The joint bodies adjourned their meeting at 4:30 p.m.

RECESS - 4:31 P.M. - 4:44 P.M.

(6-1) APPEARANCE BY GURBACHAN SINGH TO DISCUSS COUNCIL SUPPORT OF A LIQUOR LICENSE FOR PROPERTY LOCATED AT 2414 N. FRUIT AVENUE

Mr. Singh reviewed the history of the issue and requested Council reconsider his request for a liquor license. Brief discussion ensued on the process for Mr. Singh, need for Mr. Singh to apply for another CUP at a cost of \$4,500, and whether a determination could be made this date on whether there was Council support before Mr. Singh pays another \$4500, with City Attorney Montoy stating that would not be legally permissible as Council could not predetermine a decision. President Boyajian spoke additionally to the matter and clarified issues relative to the liquor license and stated he was currently talking to the neighborhood on the matter but a few neighborhood leaders were still opposed to it. Mr. Singh spoke additionally with President Boyajian responding and advising a hearing could not be held this date. (Mr. Gill spoke under unscheduled communication on this matter).

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(6-B) UNSCHEDULED COMMUNICATION:

APPEARANCE BY BARBARA HUNT, 2475 S. WALNUT, REGARDING THE RIGHTS OF MR. SINGH AS A BUSINESS OWNER; CONFLICT OF INTEREST WITH THE CITY ATTORNEY AND THE REGIONAL MEDICAL CENTER; AND THE RIGHTS AND AUTHORITIES OF THE CITY MANAGER

Appearance made.

APPEARANCE BY HARRY GILL QUESTIONING IF COUNCIL COULD TAKE SOME KIND OF POSITION ON ITEM 6-1 BEFORE MR. SINGH APPLIES FOR ANOTHER CONDITIONAL USE PERMIT

City Attorney Montoy reiterated it would be illegal for Council to predetermine a decision.

MEDIA MISINFORMATION ON EARLIER COUNCIL ACTION ON DOWNTOWN PARKING PLAN/METERS

President Boyajian advised incorrect information had been given out by a radio and TV station that money was no longer needed for downtown parking meters, and City Manager Hobbs clarified the current fees and hours for meters were still in force and that in 45 days there may be formal action to direct a change and added the media would be contacted.

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(1:30 P.M.) CONTINUED HEARING ON THE FISCAL YEAR 2003-2004 CITY OF FRESNO BUDGET (CONTINUED FROM EARLIER)

TRANSPORTATION DEPARTMENT - Continued:

Proceedings continued from earlier with Transportation Director Lagos, Transit Manager Rudd and Controller Quinto clarifying issues and/or responding to questions of Councilmembers Dages, Castillo, Perea, Sterling and President Boyajian relative to the 11% increase in traffic volume, how the airport compares with fees and if it was competitive, what staff was doing to reduce the cost of flying in and out of Fresno, what staff was doing to bring a major airline in, what the City could do to entice airlines, air cargo traffic and where the airport would

be in five years (**10 - 0**), status of the Airport Master Plan, if consideration had been given to talk with other entities about contributing to the airport's operational costs, the department's vacancies and impact (both airports and FAX), time line for new bus drivers to be on board, new positions being proposed for FAX, commendation to staff on Chandler Airport, increase in specialized services/tech and what those services were, what fund pays for police calls for services, bus sizes and why smaller, more attractive buses are not utilized during non-peak hours, and night service and ridership. There was no further discussion.

CITY CLERK DEPARTMENT:

City Clerk Klisch gave an overview of FY 2003's highlights and briefly reviewed the department's proposed FY 2004 budget

Barbara Hunt, 2475 S. Walnut, expressed concern with the city clerk's public notification practices.

Ms. Klisch and Budget Manager Smith responded briefly to questions of Councilmember Perea relative to increase in space rent costs, who makes the determination on the city hall rental cost, and why the rent charge was increased.

There was no further discussion and the budget meeting was continued to Thursday, June 5, 2003, at 1:30 p.m.

- d. GENERAL SERVICES DEPARTMENT
- e. CITY ATTORNEY
- f. GENERAL CITY PURPOSE

Laid over to June 5, 2003, at 1:30 p.m.

(5:30 P.M.) HEARING ON FINAL ENVIRONMENTAL IMPACT REPORT (EIR) NO. 10126, PLAN AMENDMENT NO. A-01-11, REZONING APPLICATION NO. R-01-14, FILED BY COPPER RIVER RANCH, LLC., ON BEHALF OF CONSOLIDATED LAND COMPANY (PROPERTY OWNER), 710+ ACRES LOCATED NORTH OF E. COPPER AVENUE BETWEEN N. FRIANT ROAD AND N. WILLOW AVENUE (DISTRICT 6)

1. RESOLUTION NO. 2003-170 - ADOPTING AND CERTIFYING FINAL EIR NO. 10126

2. RESOLUTION NO. 2003-171 - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE WOODWARD PARK COMMUNITY PLAN

3. BILL NO. B-46 - ORDINANCE NO. 2003-45 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM PV (PLANNED VILLAGE - COUNTY OF FRESNO ZONE DISTRICT) TO O/UGM/cz, AE-5/UGM/cz, R-A/UGM/cz, R-1/EA/UGM/cz, R-2/EA/UGM/cz, R-2/EA/UGM/cz, R-3/EA/UGM/cz, C-1/EA/UGM/cz, C-1/EA/UGM/cz, C-2/UGM/cz, C-5/EA/UGM/cz, AND C-6/UGM/cz; EXPRESS-WAY AREA OVERLAY (EA) WILL APPLY TO PORTIONS OF PROPERTY ADJACENT TO N. FRIANT ROAD; CONDITIONS OF ZONING (cz) APPLY TO ALL DISTRICTS

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Planning Manager Haro gave a Power Point presentation on the project at length including the background/analysis, Northeast Committee/Planning Commission review, the EIR/environmental findings, land use plans and policies, and water, sewage and traffic issues, all as contained in the staff report as submitted, along with other associated issues, and recommended approval with the conditions outlined in the staff report (**11 - 0**).

Speaking for the project were: Bruce O'Neal, Land Use Consultants, who reviewed the EIR; Ruth Davis, TPG Consulting, Registered Professional Engineer practicing traffic engineering, who reviewed traffic and air quality impacts; Kenneth Schmidt, Hydrologist, who reviewed water and testing issues; Al Dehye, Professional Engineer, Provost & Pritchard, who reviewed the wastewater treatment plant; Jeff Roberts, representing Copper River Ranch, LLC, who stated they concurred with staff's recommendation and all measures and conditions, and reviewed the project and related issues at length, and requested staff's recommendation be approved; Gary McDonald, Developer, 466 W. Fallbrook, who commended staff for their work, (**12 - 0**) spoke to success of The Dominion and stated his desire was to provide housing for a wide range of people and explained, and spoke to background and to the process they went through at length and requested Council's support; and Mike Tatham, property owner, who spoke to the history of the project and requested Council's support.

Mr. O'Neal, Ms. Davis and Planning and Development Director Yovino responded at length to questions of President Boyajian relative to the EIR including why a Program EIR was not conducted and if a Project EIR would be needed, CEQA requirements, traffic impacts, and developer "fair share" costs.

Speaking to the issue and expressing concerns with the EIR, public health and/or traffic issues were: Deborah Stewart, Pediatrician, 4885 N. College; Helen Rockas, MD., 2555 W. San Ramon; Evelyn Fang, MD; Don Gaede, 7191 N. Millbrook; Alex Sherriffs, family physician, Fowler, CA; James Davis, MD, Chief of Trauma Services, UMC, 10116 N. Spanish; Will Derksen, MD & Pediatrician, 2663 E. El Paso; Mary Savala, League of Women Voters (**13 - 0**); and Kevin Hamilton, 5919 E. Robinson.

Speaking in support of the project and/or developers were: Rocky Bogenschwitz, 2524 E. Granada; Elaine O'Mara, 7457 N. Channing; and Andrew Melrose, American Cancer Society, 2222 W. Shaw.

Continued speakers were: Sharon Weaver, 1550 E. Shaw #114, representing the San Joaquin River Parkway & Conservation Trust, opposed/EIR concerns; Andrea Lanier, 1366 N. Chestnut, opposed; and Sally Georgouses, 12577 Moffatt, opposed, who also submitted into the record photographs and a petition, on file in the office of the city clerk. Susan McWilliams, Executive Director, Tree Fresno, 776 E. Shaw #204, spoke in support; and the following spoke in opposition: Jean Linder, MD, 1221 E. Spruce, past-president, Fresno-Madera Medical Society; Chris Pepper, MD, 5076 W. Menlo; Brent Lanier, MD, 11366 N. Chestnut, who referenced a letter for the record dated 1/28/03; and Barbara Hunt, 2475 S. Walnut.

Speaking in support were: Dr. VJ Mirzayan, 6177 N. Thesta #102; Gary Ganci, 8694 N. Locan; and Cam Maloy, 2439 E. Soquel Circle. Kevin Frye, 908 E. Fairmont, opposed/expressed concern. Continuing in support were LeRoy Krum, no address given; and Richard Strong, Woodward Lake, 774 E. Wood Duck Circle. Robert Merrill, 8540 N. Colfax, spoke in opposition; Paul Deffenbach, 1098 W. San Ramon, spoke in support (**14 - 0**); Bruce Morris, 2257 E. Fremont, spoke in opposition; Patience Milrod, 844 N. Van Ness, spoke in opposition; Stan Ratzlaff, 2514 Ashcroft, spoke in support; Jeff Harris, BIA, 1477 E. Shaw, spoke in support; and Paul Pierce, 636 E. Floradora, and Rudy Savala, 7490 N. Toletachi Road, spoke in opposition.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Planning and Development Director Yovino stated Fresno's population was going to increase by 300,000 by 2025 and those people were going to be here whether or not anyone knew it or liked it, clarified the best way to accommodate that growth was within the boundary set back in 1983 through mixed-use developments and large mixed-use master planned communities such as this project, and stated the worst thing that could happen would be the project being built in the county because it would set a very clear and strong precedent to let the entire northeast growth area urbanize all the way to Friant and for other local jurisdictions to make land use decisions for urban development that was not confined within the sphere boundary set long ago.

Mr. Roberts addressed comments/concerns made by some of the speakers and entered into the record a letter from Dr. Malik N. Baz, Baz Allergy & Asthma Center, in support of the project, a copy of which is on file in the office of the city clerk.

Farid Assemi, Developer, 1396 W. Herndon, stated he was saddened to hear some of the opponents' testimony this date and stated the air quality problems should not be blamed on this project, and spoke to the project being approved as part of the general plan, to the five EIRs that were conducted, and expanded further on the project.

Councilmember Duncan emphasized the arguments and concerns expressed this date were not in opposition to Copper River but were about any development or growth, spoke in support of the project at length addressing various issues and concerns, and stated this project would be the end of northern expansion (**15 - 0**) and it would not destroy the environment, and made a motion to approve staff's recommendation, which motion was seconded and acted upon after additional discussion.

Councilmember Calhoun stated his proudest moment was in November when the general plan was adopted, pointed out no one spoke in opposition to southeast or southwest growth or to the Running Horse or Copper River projects, and stated Fresno was going to grow, impacts would be mitigated, and he was proud to support this project. Councilmember Sterling spoke at length to the need to build quality projects in her district for her constituents; noted there was now a move to construct homes in west Fresno by non-local developers who have vision and have seen what District 3 has to offer and she hoped the quality of life enjoyed by people in more affluent areas would also be enjoyed by west Fresno residents; and spoke to the project, to some of the concerns expressed, to the importance of people speaking up and

developers listening the people, and acknowledged this was a good project but stated she could not support it as there was too much division and it was

141-228

6/3/03

a very large and controversial project. Councilmembers Dages, Perea, Castillo and Duncan spoke briefly in support of the project and commended the developers and staff, and President Boyajian reiterated his concerns that a Program EIR was conducted instead of a Project EIR and elaborated on the impacts and the need for linkage fees, and stated the environment was more important to him than building homes.

On motion of Councilmember Duncan, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2003-170 certifying Final EIR No. 10126 (SCH #2000021003), for the Copper River Ranch development project as determined by Council after having applied its own independent judgment and analysis based upon the findings noted in the Resolution and attached Exhibits A through E hereby adopted; the above entitled Resolution No. 2003-171 adopted amending the 2025 Fresno General Plan and Woodward Park Community Plan to change the planned land uses of the project site as shown on Exhibit A, attached to the appropriate resolution with the following exception: The existing "medium density residential" land use designation is recommended instead of the requested "neighborhood commercial" land use for the approximately 1.8 acre portion of the property located on the southeasterly corner of proposed Copper Avenue and Friant Road; the above entitled Bill No. B-46 approving Rezone Application No. R-01-14 to rezone the subject property as outlined above and as shown on Exhibit A-1 adopted as Ordinance No. 2003-45 with the following conditions: (1) C-5/EA/UGM/cz zoning is recommended instead of the requested C-6/EA/UGM/cz for the parcel along the south side of Friant Road at the northerly most point of the project, and (2) R-1/EA/UGM/cz is recommended instead of the requested C-1/EA/UGM/cz for the parcel located at the southeasterly corner of proposed Copper Avenue and Friant Road; and the following **Conditions of Zoning** shall also apply to all the zone districts listed above as appropriate:

(a) Implementation of approved zone districts shall be subject to the submission of and subsequent City of Fresno approval of a "master" special permit (conditional use permit) that provides design and development standards for a unified development of the entire Copper River Ranch development project described by Rezone Application No. R-01-14;

(b) Implementation of the approved zone district and development of the properties described by Rezone Application No. R-01-14 shall be subject to the implementation of the mitigation measures established by the certification of the Final EIR No. 10126 (SCH #2000021003); and

(c) In addition, the implementation of the C-5/EA/UGM/cz zone district for the approximately one-acre area parcel located on the south side of N. Friant Road and the northern most point of the Copper River Ranch development project shall be restricted from occupancy by the following uses: ambulance service, automobile service station, banks, building and loan offices, cleaning and dyeing shop, dancing schools, drugstore, groceries, laundry and dry cleaning, self service laundry, music and dance instruction, rental of party supplies, storage garage, automobile muffler shop, car wash, drive-up facilities, tire & battery retail sales & service store, auto accessory parts, automobile paint store, child care nursery, commercial printing, glass & glazing - retail sales, motorcycle accessory parts, office machine sales, racquetball center, reducing salon, schools, soft goods rentals (including party supplies & health machines), and video game arcade, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea
Noes : Sterling, Boyajian
Absent : None

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 10: 15 p.m. having arrived and hearing no objections, President Boyajian continued the meeting to Thursday, June 5, 2003, at 1:30 p.m. for the continued hearing on the City of Fresno Fiscal Year 2003-2004 Budget.

APPROVED on the 10th day of June, 2003.

_____/s/_____
Tom Boyajian, Council President

_____/s/_____
ATTEST: Yolanda Salazar, Assistant City Clerk

141-229

6/3/03